

Application No. 09/781,110  
Amendment "A" dated May , 2005  
Reply to Office Action mailed March 14, 2005

### REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies that were extended during the recent interview held on April 14. The amendments made by this paper are consistent with the proposals discussed during the interview.

The office action mailed March 14, 2005, considered and rejected claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Wood et al. (U.S. Patent Publication 2003/0044165).<sup>1</sup>

By this paper, claims 1, 12, 16, 21 and 26 have been amended, claims 6-8, 24 and 27 have been cancelled, and new claim 31 has been added, such that claims 1-5, 9-23, 25-26 and 28-31 now remain pending, of which claims 1, 21 and 26 are the independent claims at issue.

As discussed during the interview, the present invention is directed to embodiments in which fragmented programs and their corresponding fragments are identified and scheduled for recording without requiring a user to individually select and schedule each fragment to be recorded.

Claim 1, for example, recites method for automatically recording a fragmented program that includes providing a list of categories from which a user selects a category. The fragmented programs corresponding to a selected category are then identified from electronic program guide data comprising unique identifiers. Thereafter, a fragmented program list is displayed that corresponds to the selected category and that includes only the one or more identified fragmented programs. Then, when additional user input is received selecting one of the fragments, the electronic program guide data is again examined to identifying each of the fragments corresponding to the selected one or more fragmented programs. Then, for each of the identified fragments, the method includes automatically determining a start time for the fragment and recording the fragment with the video recording apparatus when the fragment is aired

Claim 26 is directed to a computer program product having computer-executable instructions for implementing the method of claim 1. Claim 21, the last independent claim at issue, is directed to a corresponding recording system configured to implement a similar method as claim 1.

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

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Each of these independent claims clarifies how the fragmented program list is used to select a fragmented program and how the fragmented program list only includes the fragmented programs that are identified from the EPG data when a category selection is made. This limitation, in combination with the other recited limitations was found to distinguish the claims from the art of record. In particular, Wood clearly fails to disclose any such fragmented program list that is generated upon selecting a category of programming and that only includes fragmented programs that are identified from EPG data. Wood also clearly fails to disclose that the EPG data, comprising a unique identifier is used to identify said programs for the fragmented program list. In fact, contrary to the foregoing, Wood teaches that all show titles in the channel guide are provided in a pop-up list from which a program can be selected for recording, irrespective of whether they are fragmented or not. Correspondingly, Wood also appears to infer that the programs are found by their title, (paragraphs 45-50), although Wood other searching techniques can be employed. None of these other searching techniques disclose or suggest the use of a unique identifier, however, as claimed.

Wood also clearly fails to disclose or suggest such a method, as claimed, wherein the method further includes identifying and resolving conflicts with recording the identified fragments in the manner recited in claim 31, by determining that the particular fragment or at least one other program will be rebroadcast at a different time on a same or a different channel. Instead, Wood resolves conflicts according to user provided priorities. (paragraph 39).

Although only the independent claims and new dependent claim 31 have been addressed at this time, it will be appreciated that for at least these reasons, and the others addressed during the interview, that the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. However, in this regard, it should be appreciated that Applicants do not necessarily acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions at any appropriate time in the future, should it arise, including any official notice.

In view of the foregoing, Applicants respectfully submit that the pending application and claims (1-5, 9-23, 25-26 and 28-31) are now in condition for prompt allowance.

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In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3 day of May, 2005.

Respectfully submitted,



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